

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
January 9, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:50 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent: none

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Valerie Tweedie, Heidi Yapple, Jeff Cobe, Mike Givens, Linda Woods, Linda Keshick, Bernadece Compo

Commission, Boards and Committees: Shirley Oldman, Jannan Cornstalk-DeCamp, John Keshick, Eleanor Barber, Denise Petoskey, Dorothy Boda

Guests: Harvey Gibson, Carol McFall, Marty VanDeCar, Joe Medicine, Andrew Stich, Sharon Sierzputowski, Doug Craven, Judy Pierzynowski, John Bott, Deleta Gasco Smith, David Kagabitang, Alice Hughes, Winnay Wemigwase, Mel Kiogima II, Lee Rousseau, Kacee Gokee, Marcia Sutton, Tim Thomas

Opening Ceremony: Beatrice A. Law

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to adopt the agenda with amendments for January 9th, 2005 in honor of the 3,968 enrolled members and those who have walked on for the Little Traverse Bay Bands of Odawa Indians.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve the minutes of December 19, 2004 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Treasurer's report provided by Valerie Tweedie C.F.O., verbal and written, for January 9, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

10:27 a.m. Councilor Fred Harrington, Jr. leaves
10:38 a.m. Councilor Fred Harrington, Jr. returns

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the verbal and written report as presented by the Tribal Chairman for January 9, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to approve the Waganakisig Odawa -Journey to Sovereignty Video and all the contents therein that was coordinated by Mary Roberts and Shirley Oldman and directed by Real People Productions.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:08 a.m. recess called

11:22 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to authorize the sale of all past, present and future Odawa Channel movies, proceeds to go to the Archives and Records Cultural Program Fund that will carry over from year-to-year, sales to Tribal Members shall be at the cost of reproduction and shipping.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman to sign the contract for Community Services Block Grant Emergency Assistance Program agreement between Little Traverse Bay Bands of Odawa Indians and Inter-Tribal Council of Michigan., Inc.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:45 a.m. Public Comment opened: Andrew Stich, Harvey Gibson, Carol McFall, Deleta Gasco Smith, Joe Medicine, Doug Craven

12:03 p.m. Public Comment closed

12:03 p.m. Lunch recess called until 1:30 p.m.

1:45 p.m. Meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to authorize the Enrollment Officer to prepare and publish a bi-annual Tribal Directory and authorize a fiscal year 2005 budget of \$5,200, with \$2,100 coming from prior fund balance Little Traverse Bay Bands of Odawa Indians Directory Program and \$3,100 from General Fund current revenue.

Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Councilor Regina Gasco Bentley)
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve the Little Traverse Bay Bands of Odawa Indians Grant Writer employment contract for the term of 6 years commencing on this date, January 9, 2005, ending on January 8, 2011 and authorize the Tribal Chairman to sign.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to direct the Tribal Chairman and the Tribal Council Treasurer to have the Donations and Contribution draft policy and procedures ready for the next Tribal Council meeting on January 23, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara for the Tribal Chairman to submit a monthly article to the Odawa Trails informing the Membership of travel attended, in reference to motions regarding Tribal Council compensation.
Motion dies due to lack of support

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to accept the Legal Department's verbal and written report as presented by General Counsel James Bransky for January 9, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve a year-by-year lease agreement with Lamar Advertising for billboard locations on Tribal property in Mackinaw City and authorize the Tribal Chairman to sign.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve contract extension with LTBB, the Grand Traverse Band and Gregory E. Dowd, with Dowd's fees and expenses under the extension to come out of 2005 and 2006 Legal Department Budget to the extent not reimbursed by the Chippewa Ottawa Resource Authority.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize a subcontract between LTBB and the Chippewa Ottawa Resource Authority for reimbursement of payment of contract with Gregory E. Dowd and authorize the Tribal Chairman to sign.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to accept the Education Commission's verbal and written quarterly report as presented by Shirley Oldman for January 9, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Election Board's quarterly report written and verbal as presented by Chairperson Denise Petoskey for January 9, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

3:16 p.m. Recess called

3:20 p.m. Secretary Dexter McNamara leaves

3:29 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Enrollment Commission's verbal and written quarterly report as presented by Chairperson Dorothy Boda for January 9, 2005.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to accept the Health Commission's 4th quarterly written and verbal report for 2004 as presented by Chairperson Deleta Smith.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to adopt Resolution #010905-01 Request for funding from the United States Department of Treasury, Community Development Financial Institutions Program, Technical Assistance Component, Little Traverse Bay Bands of Odawa Indians FY 2005 Application for Technical Assistance.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes, Councilor Rita Shananaquet-yes, Secretary Dexter McNamara-absent

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to adopt Resolution #010905-02 Request for funding from the U.S. Department of Health and Human Services, Administration on Aging (AoA), Title VI of the Older Americans Act, Part A – Grants for Native Americans and Part C – Grants for the Native American Caregiver Support Program, Little Traverse Bay Bands of Odawa Indians Elders' Program.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Councilor Regina Gasco Bentley-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Secretary Dexter McNamara-absent
Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #010905-03 Honoring William Ray Kiogima.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes, Councilor Rita Shananaquet-yes, Secretary Dexter McNamara-absent
Motion Carried

4:05 p.m. Public Comment opened: David Kagabitang, Shirley Oldman
4:12 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt Resolution #010905-04 Inter-local Agreement for Deputization and Mutual Law Enforcement Assistance Between the Little Traverse Bay Bands of Odawa Indians and The County of Charlevoix Authorization for Execution of Agreement.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-no, Councilor Regina Gasco Bentley-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-no, Secretary Dexter McNamara-absent
Motion Fails

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt Resolution #010905-04 Deputation Agreement Between the Little Traverse Bay Bands of Odawa Indians and The Bureau of Indian Affairs (BIA), Office of Law Enforcement Services and Security (OLES), United States Department of the Interior, Authorization to Enter Into Deputation Agreement.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Councilor Regina Gasco Bentley-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-no, Secretary Dexter McNamara-absent
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the Ansokewuk (they are telling a story) event to be held February 12, 2005 funding to come from the Cultural Activities 2005 budget in the amount of \$3,950.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept with regret and many Chi-Miigwetch for outstanding service the resignation of Wenona Single from the Economic Development Commission to be effective immediately.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to declare a seat vacant on the Economic Development Commission and to post the position immediately.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve Enrollment list "A" Eligible for membership, dated December 28, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve Enrollment list "B" Declination (Ineligible) dated December 28, 2004.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial Request #A0092 in the amount of \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to increase the limit of the Burial Fund to \$8,000 per request, retroactive to the first of the year.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairperson Beatrice A. Law to apologize to all of the volunteers who worked on our Children's Christmas parties and were treated poorly and to thank them for their efforts.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

5:23 p.m. recess called

5:34 p.m. meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to require the Tribal Council to submit a written narrative instead of the previous Tribal Council Travel Report form.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley for any Tribal Council member to attend the Phoenix Rising Unlimited Regulatory training in Las Vegas, Nevada February 14th through the 18th, 2005; upcoming Tribal State Forum meetings, and the Anishnaabemowin Teg in Sault Ste. Marie, Michigan, March 30th, through April 3rd, 2005 and the Michigan Indian Education Conference meeting in March 2005 which will include stipend, mileage, per diem and lodging.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to appoint Council Secretary Dexter McNamara and a member of the Legal Department as Little Traverse Bay Bands of Odawa Indians representatives to attend the monthly Tribal State Forum meetings, to include mileage, stipend, lodging, and per diem.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to place proposed legislation "Recognition of Foreign Law" on the Legislative Agenda, the law is sponsored by Fred Harrington.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to schedule a Tribal Council work session on March 4, 2005 for discussion issues related to the proposed new Constitution, to include mileage stipend, per diem and lodging.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

6:33 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to go into Executive Session for personnel.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

7:14 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to go out of closed session.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. that we resume open session.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

7:16 p.m. Motion made by Councilor Rita Shananaquet to direct the Tribal Chairman to reprimand the Tribal Administrator for failure to perform his duties adequately.

Motion dies due to lack of support

7:16 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to adjourn.

Vote: 6 Yes, 0 No, 1 Absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date